

Message Text

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C O N F I D E N T I A L SECTION 1 OF 2 ANKARA 6943

EXDIS

DEPT PASS USCINCEUR VAHINGEN GE, USNMR SHAPE BRUSSELS,
CINCUSNAVEUR LONDON, USCINCUSAREUR HEIDELBERG, USCINCUSAFE
RAMSTEIN, USDOCOSOUTH NAPLES

E.O. 11652: GDS
TAGS: MARR, MASS, TU, US
SUBJ: REVISION OF PROVISIONAL STATUS

REF A) STATE 246433 (DTG 272315Z SEP 78) B) STATE 217218
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SUMMARY: MFA DIRECTOR OF DEFENSE AGREEMENTS ERALP TOOK
CAREFUL NOTE OF US COMMENTS ON GOT DRAFT PROVISIONAL
STATUS AND PROMISED TO CONVEY THEM TO HIGHER AUTHORITY
INCLUDING PRIME MINISTER WHO HE EXPECTED TO BE INVOLVED IN
FINALIZING DECREE FOR PRESENTATION TO NSC OCTOBER 2.
ERALP AGREED TO RECOMMEND OUR POSITION ON BELBASI AND
KARGABURUN. ON COMMAND AND CONTROL HE STATED HE WOULD
PUT OUR CONCERNS BEFORE ACTING FOREIGN MINISTER,
BUT WAS NOT ENCOURAGING, STRESSING THE POLITICAL PROBLEMS
ECEVIT WOULD FACE AS A RESULT OF REACTIVATING OUR FACILITIES
VIA UNILATERAL DECREE. END SUMMARY
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1. MSA COUNSELOR AND EMBOFF MADE PRESENTATION PER
REF A ON REVISED GOT PROVISIONAL STATUS DECREE AT MEETING
SEPTEMBER 28 WITH YALIM ERALP, MFA DIRECTOR OF DEFENSE
AGREEMENTS. ERALP TOOK CAREFUL NOTES AND ACKNOWLEDGED THAT
NEITHER PARTY WISHED TO ENGAGE IN NEGOTIATIONS AT THIS
TIME NOR DELAY THE UNILATERAL GOT ISSUANCE OF THE DECREE.

2. RESPONDING TO OUR PRESENTATION, ERALP STATED THAT THE DRAFT TEXT WAS A GOOD FAITH EFFORT BY THE GOT TO "ACCOMMODATE" US DESIRES TO RESUME OPERATIONS AT THE INSTALLATIONS ALMOST IMMEDIATELY. HE NOTED THAT BY PROCEEDING PRIME MINISTER ECEVIT WOULD CONFRONT POLITICAL PROBLEMS THAT WOULD PARALLEL THOSE FACED BY PRESIDENT CARTER IN LIFTING THE EMBARGO. HE INDICATED THAT MFA HAD EXPERIENCED "EXTREME DIFFICULTY" IN SPONSORING THE IDEA OF IMMEDIATE POST-EMBARGO US OPERATIONS. TO THIS HOUR MANY OF THE MINISTERS WHO WOULD BE EXPECTED TO PARTICIPATE IN THE CABINET SESSION NEXT WEEK DID NOT REALIZE THAT IMMEDIATE RESUMPTION OF OPERATIONS WAS THE PRIME MINISTER'S INTENTION.

3. ERALP STATED THAT IN REVISING THE OLD PROVISIONAL STATUS MFA NOT ONLY HAD TO MAKE THE DOCUMENT ACCEPTABLE POLITICALLY IN TURKEY, IT ALSO HAD TO SOLVE SERIOUS LEGAL DIFFICULTIES. AS IT STANDS THE PRESENT DRAFT TEXT WAS THE PRODUCT OF HARD-FOUGHT BATTLES WITH THE TGS AND MINISTRY OF DEFENSE, BOTH OF WHICH HAD THEIR OWN NOTIONS OF WHAT HAD TO BE INCLUDED.

4. ON SELECTED SPECIFIC POINTS, OUR PRESENTATION AND ERALP'S OBSERVATIONS WERE AS FOLLOWS:

A. COMMAND AND CONTROL. MSA COUNSELOR EXPLAINED SERIOUS DIFFICULTIES THE US HAD WITH ANY PERCEIVED INFRINGEMENT
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ON A US MILITARY COMMANDER'S AUTHORITY AND TOLD ERALP THAT EVEN THE FORMULATION IN THE 1976 DCA WAS NOT FULLY ACCEPTABLE. HE REVIEWED THE ATMOSPHERE THAT PREVAILED AT THE TIME OF THE DCA NEGOTIATIONS AS WELL AS THE DIFFICULTIES THAT AMERICAN COMMANDERS HAD EXPERIENCED UNDER PROVISIONAL STATUS. ERALP SUGGESTED THAT OUR CONCERNS ABOUT COMMAND AND CONTROL REALLY WERE LEGITIMATE COMPLAINTS ABOUT THE OPERATION OF PROVISIONAL STATUS. TO HIM THE DIFFICULTIES US FORCES EXPERIENCED UNDER PROVISIONAL STATUS WOULD BE ELIMINATED UNDER A NEW TGS DIRECTIVE THAT WOULD IMPLEMENT THE NEW DECREE, AND AT ROOT THERE WAS NO COMMAND AND CONTROL PROBLEM THAT COULD NOT BE HANDLED IN AN ORAL UNDERSTANDING, EXCHANGE OF LETTERS OR AGREED MINUTES. (COMMENT: WHILE ERALP'S COUNTER ARGUMENTS DID NOT ADDRESS THE ESSENCE OF OUR COMMAND AND CONTROL CONCERNS, THE POINT HE MADE HAS SOME VALIDITY. AT A JULY COMMANDERS' CONFERENCE IN ANKARA, THE AMBASSADOR SPECIFICALLY ASKED THE ASSEMBLED US INSTALLATION COMMANDERS IF THERE WERE ANY INSTANCES WHERE THE TURKISH COMMANDER HAD ATTEMPTED TO INJECT HIMSELF BETWEEN THE US COMMANDER AND HIS

MEN. NOT ONE US COMMANDER COMPLAINED OF ANY SUCH ATTEMPT, ALTHOUGH ALL NOTED THE EXTREME DIFFICULTIES PROVISIONAL STATUS IMPOSED ON THE TRANSFER OF MEN AND EQUIPMENT, ACCESS TO THE INSTALLATIONS AND GENERAL MORALE.

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C O N F I D E N T I A L SECTION 2 OF 2 ANKARA 6943

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DEPT PASS USCINCEUR VAIHINGEN GE, USNMR SHAPE BRUSSELS,
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MSA COUNSELOR TOLD ERALP THAT THE FORMULATION FOR COMMAND AND CONTROL CONTAINED IN PARA B AND D OF OUR DRAFT EXCHANGE OF NOTES (REF B), OR PARA D ALONE WOULD MEET OUR MINIMUM REQUIREMENTS. MSA COUNS ALSO SUGGESTED THAT ADDING PARA D TO EDITED VERSION OF PRESENT TURKISH DRAFT ON ROLE OF US COMMANDER MIGHT ALSO SERVE TO EASE SOME OF OUR DIFFICULTIES. THE RESULTANT TEXT WOULD BE SEEN BY AMERICAN READERS AS THE POSITIVE SIGNAL THE GOT INTENDED TO CONVEY BY AUTHORIZING RESUMED OPERATIONS. IT ALSO COULD AVOID WHAT WOULD OTHERWISE BE THE IMMEDIATE NECESSITY OF NEGOTIATING COMMAND AND CONTROL FOLLOWING PROMULGATION OF DECREE. ERALP SAID THAT HE WOULD REPORT US CONCERNS TO ACTING FOREIGN

MINISTER AND REPEATED GOT WILLINGNESS
TO HAVE AN AGREED MINUTE ALONG THE LINES OF ARTICLE
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V OF 1976 DCA.

B. BELBASI AND KARGABURUN. ERALP AGREED TO RECOMMEND
THAT THE DECREE READ AS FOLLOWS: "NEGOTIATIONS WILL
BE ENTERED INTO FOR THE COMPLETE TRANSFER OF STATION
OPERATIONS AT KARGABURUN NAVIGATION AND BELBASI
SEISMOLOGICAL INSTALLATIONS WHOSE ACTIVITIES ALSO
WERE SUSPENDED ON THE ABOVE-MENTIONED DATE, TO TURKISH
CIVILIAN AUTHORITIES SO AS TO MAKE USE OF THEIR CAPACITIES
ALSO FOR CIVILIAN PURPOSES."

C. TIME LIMIT ON PROVISIONAL AD HOC STATUS. ERALP
POINTED OUT THAT THE ONE YEAR TIME LIMIT WAS THE
MAXIMUM THAT COULD BE OFFERED WITHOUT PARLIAMENTARY
APPROVAL. TO MINIMIZE THE IMPRESSION OF DEADLINES,
MSA COUNS SUGGESTED ADDING THE PHRASE "UNLESS SUPER-
SEDED BY A NEW AGREEMENT".

D. NATO FORMULATION. MSA COUNS POINTED OUT THE
PROBLEMS THE GOT COULD BE CREATING FOR ITSELF BY
LIMITING ACTIVITIES AT THE INSTALLATIONS TO "OBLI-
GATIONS ARISING OUT OF THE NORTH ATLANTIC TREATY".
ERALP UNDERSTOOD BUT POINTED OUT THAT IT WAS ONLY
THE REFERENCE TO THE NATO TREATY THAT PROVIDED THE
LEGAL BASIS FOR INTERIM OPERATIONS AT THE IN-
STALLATIONS. ERALP SAID THAT HE WOULD CONSIDER
REVISING THE LANGUAGE TO READ, "SHALL ARISE OUT OF
BUT NOT BE LIMITED TO OBLIGATIONS UNDER THE NORTH
ATLANTIC TREATY".

E. U.S. FACILITIES OUTSIDE THE INSTALLATIONS. MSA
COUNSELOR NOTED THAT MORE POSITIVE WORDING COULD
BE USED BUT ADDED THAT HE WAS CONCERNED GOT DRAFT
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MIGHT BE INTERPRETED AS ATTEMPT TO ESTABLISH TURKISH
COMMANDERS AT THESE FACILITIES AS WELL AS AT IN-
STALLATIONS. ERALP CONFIRMED THAT THERE WAS NO RPT
NO SUCH INTENT.

F. ARTICLE VIII. ERALP REPEATED THAT THE SUBJECT
OF THE NATO SOFA EXTENSION AND TAX RELIEF PROVISIONS

WERE STILL BEING "SYMPATHETICALLY" CONSIDERED AND THAT HE HOPED THAT THEY COULD BE REINSTATED AS PART OF THE TGS DOCUMENT IMPLEMENTING PROVISIONAL AD HOC STATUS.

G. IMPLEMENTING DOCUMENTS. ERALP SAID THAT ALL IMPLEMENTING DOCUMENTS OF PROVISIONAL STATUS WOULD BE AMENDED AND NOTED OUR CONCERNS WITH THE PREVIOUS IMPLEMENTING DOCUMENTS. ERALP AGREED TO REVIEW THESE IMPLEMENTING DOCUMENTS WITH THE U.S. IN ADVANCE, BUT IN AN EFFORT TO LIMIT THE NUMBER OF NEGOTIATORS EXPRESSED THE DESIRE THAT SUCH A REVIEW BE MADE AT THE EMBASSY-MFA LEVEL.

H. SCENARIO. ERALP SAID THAT THE NSC WOULD MEET TO DISCUSS THE DECREE AT 1400 OCTOBER 2 AND THAT THE APPROVAL OF THE COUNCIL OF MINISTERS COULD OCCUR LATER THAT SAME DAY. FOLLOWING THE COUNCIL MEETING, THE DECREE WOULD BE PROMULGATED AND A DIPLOMATIC NOTE TO THE EMBASSY WOULD FOLLOW WHICH REPEATED THE DECREE. THE EMBASSY WOULD BE ASKED ONLY TO ACKNOWLEDGE RECEIPT WHICH "DOES NOT IMPLY MUTUAL AGREEMENT ON THE TEXT". ERALP SAID THAT SHORTLY THEREAFTER IMPLEMENTING INSTRUCTIONS FROM TGS AND A NEW CUSTOMS CIRCULAR WOULD BE ISSUED.
SPIERS

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